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ABSTRACT

This handbook provides guidance for women in Illinois who are victims of domestic violence and spouse abuse. It consists of facts about domestic violence, a survival sheet telling what to do before, during, and after incidents of domestic violence, and advice on seeking emergency assistance and shelter. It then provides advice and resources on making ends meet after victims leave their spouse or partner, including: (1) a guide to public aid, including sources of cash assistance and food stamps; (2) sources of emergency food; (3) obtaining child support payments; (4) crime victim compensation; (5) finding a new home; and (6) job referrals, job training, and day care. The last major section is a guide to the legal system and how victims can get the legal assistance they need to press charges against an abusing spouse or partner. Included is a guide to the Illinois Domestic Violence Act, criminal court proceedings for domestic battery, and civil court proceedings to settle non-criminal disputes. This section concludes with common legal questions and answers for victims of domestic abuse and a summary of the rights of victims under the Illinois Domestic Violence Act. A statewide list of organizations to contact is organized alphabetically by city. (TE)

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HANDBOOK FOR

DOMESTIC VIOLENCE VICTIMS

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This handbook is dedicated to the many battered women who seek to make a safe life for themselves and their children.

The Illinois Coalition Against Domestic Violence encourages reproduction of this handbook, in whole or in part, with cited source.

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To order this handbook contact:

ILLINOIS COALITION AGAINST DOMESTIC VIOLENCE

937 South Fourth Street
Springfield, IL 62703
217/789-2830

INTRODUCTION

If you are beaten by your husband, or the man with whom you live or have a relationship, this handbook can assist you. It is a self-help guide with a directory of helping agencies.

It is **against the law** for your husband or partner to beat you. But there are still many people, including some police, state's attorneys, and judges, who do not believe that violence between a man and woman involved in a relationship is a crime. They may think that it is a private matter between the couple. Some people may even tell you or imply that the violence is your fault.

Remember:

- You are **not** alone. One-fourth of all relationships include violence, which almost always involves the man beating the woman.
- You are **not** the cause of someone else's violent behavior!
- You do **not** deserve to be abused!
- You have the **right** to expect and demand help and respect!
- You have the **right** to make your own choices!

Making a safe home for yourself and your children may be difficult. But you can do it — one step at a time. Legal remedies through the Illinois Domestic Violence Act are available to protect and assist you. Working with helpful and understanding people will make your task much easier. This handbook can help you find those people.

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FACTS ABOUT DOMESTIC VIOLENCE

- Every 15 seconds in the U.S. a woman is beaten.
- Domestic violence results in more injuries that require medical attention than rape, accidents and muggings **combined**.
- Two in five women who are murdered are killed by their husbands.
- At least 95% of all cases of partner abuse involve a man beating a woman.
- Woman abuse happens in all classes and races. It occurs at every level of income and education.
- Violence in the home usually becomes more frequent and severe over time. The abuser's apologies do **not** mean that the violence will not occur again.
- Children who grow up in violent homes come to believe that violence is normal. They come to believe that it is an acceptable way to control someone else. The majority of adult violent prisoners were raised in violent homes.
- Violence is often part of a pattern of threats, insults, insane jealousy, explosive temper, and attempts to isolate and overpower the woman.

MYTH: A man's home is his castle. No one should interfere with the family.

REALITY: Battery is a crime! No one has the right to beat another person. It is your home, too. You have the right to a life free from fear and physical abuse.

MYTH: A woman who gets beaten brings it upon herself by nagging or provoking her spouse.

REALITY: Women are beaten for reasons as ridiculous as: the dinner was cold; the TV was turned to the wrong channel; the baby was crying. The fact is that abusive men refuse to control their violent impulses. Even where the man may have reason to be angry, he has no right to express his anger violently. **You are not responsible for his violent behavior!**

MYTH: A woman who stays with her husband or boyfriend after being beaten must like to be beaten.

REALITY: Being beaten hurts and no one likes it. There are many reasons why women remain with abusive men, including their fear of further violence, the financial hardships of leaving, their emotional attachment to their partners and their belief that families should stay together.

MYTH: Calling the police will automatically result in jail and loss of employment for the abuser.

REALITY: Unless the violence is extremely serious, the abuser is unlikely to spend more than a few hours in jail. Studies have shown that arrest is often an effective way to prevent further violence. In addition, police are now required to assist and advise domestic violence victims.

SURVIVAL SHEET

Once a violent act takes place in a relationship, the violence almost always reoccurs. In fact, it tends to get more severe and more frequent as time goes on. This happens even when the man apologizes and promises to change after a violent incident. Therefore, it is **extremely** important that you think ahead about what to do in the case of another attack.

BEFORE AN ATTACK

Make Contacts. Read this handbook and contact one of the agencies listed on the last page to find out what you can do the next time your husband or lover becomes violent.

Have Quick Access To: a phone, cash, clothing and important items such as: car title and keys, birth certificates, apartment lease, marriage license, Public Aid I.D. and medical cards, records of your husband's income, a list of phone numbers to call for shelter or transportation, credit cards, blank checks, bank books and this handbook. If possible, keep an emergency kit with keys, cash and essential papers together in an old purse or other small container so that you can easily and quickly grab it and leave.

DURING AN ATTACK

Defend and Protect Yourself.

Call for Help. Scream loudly and continuously. You have nothing to be ashamed of. **He** does.

Get Away. Escape if you can. Go to a relative's or friend's house or a domestic violence shelter.

Call the Police. The police must now attempt to protect you from further abuse. They are required to provide or arrange transportation to a hospital or safe place for you, and are encouraged to arrest your abuser if they have enough evidence of a crime. They must give you a paper explaining your rights and telling you of one social service agency which can help.

There is increasing evidence that calling the police will make your abuser less likely to hit you again in the future. There is also evidence that being arrested makes an abuser far less likely to repeat his violent behavior toward you. While not always successful, involving the police can help make you safer.

AFTER AN ATTACK

Seek Medical Attention Immediately. Tell the doctor or nurse what happened and ask them to take pictures of your injuries. Find out how to get copies of your records if you need them later.

Make a Police Report even if you do not want your abuser arrested. The report will become evidence of past abuse which might prove helpful in the future *(e.g., in a custody dispute)*. The abuser will not be notified you made the report. If possible the report should be done within 24 hours of the abuse.

Save Evidence. The police should tell you how to preserve evidence in case you want to take legal action. Evidence includes copies of medical records and police reports, dated photographs of your injuries or the house in disarray, torn clothing, any weapons used, and statements from anyone who heard or saw the attack.

Talk to Someone about the choices you have. This handbook will give you information about whom to call for help, and what some of your choices are. Find out about the legal remedies now available to you through a Domestic Violence Order of Protection.

Remember, most abusers become more violent over time. Beatings tend to become more severe and more frequent. Even though you may be afraid, take action NOW! Your safety and the safety of your children may depend upon your willingness to act. It is more dangerous to do nothing than to take some action.

EMERGENCY ASSISTANCE AND SHELTER

There are people who care that you and your children have been hurt. They have information and experience to help you plan for the future. They can provide information on the legal system, financial assistance, job counseling, and in some cases shelter. If you want support and information, telephone the domestic violence program nearest you. A complete list of the programs in the Illinois Coalition Against Domestic Violence can be found on the last two pages of this book.

If you need to get away, try to stay with a friend or a relative. If you cannot find a safe place to live for awhile, contact the nearest domestic violence program. Shelter can be hard to find, but keep trying and stress to the people with whom you speak that you are in danger.

If there is no domestic violence program in your area or if they are unable to take you in, look in the telephone book for emergency assistance or women's services numbers. Try the YWCA, the rape crisis hotline, churches or social service agencies.

Even if you do not need or want shelter, talking with other women who have been abused, or with a counselor, can help you decide what is best for you and your children. It can help you see your own strengths and will confirm that you do not deserve what is happening to you. Domestic violence counselors will not tell you what to do or make decisions for you, but will provide you with information and support so that you can make the best possible decisions for yourself and your family.

The more you talk about your situation with friends or relatives, the more you will be able to figure out what you want to do. If you keep it all a secret, you are protecting him, not yourself and your children.

Sharing your experiences with women who have had similar ones can help you very much. If there are no battered women support groups in your area, you can start a group yourself. The more you talk about your life, the more you will discover new possibilities for a better future.

MAKING ENDS MEET

If you leave your spouse or partner, you may need some financial assistance. Meeting the financial needs of yourself and your children will not be easy. But several ways of finding food and money for those first difficult months are discussed briefly below. The counselors at any of the domestic violence programs listed on the last two pages of this book can help you look at your choices and work out a plan.

A. PUBLIC AID: CASH ASSISTANCE AND FOOD STAMPS

Even if you are working, you may be eligible for food stamps and other aid. To apply, go to the Public Aid office closest to where you are living *(look under "Illinois, State of, Public Aid, Department of" in the telephone book for the address and telephone number.)* Go early in the morning and ask for an application and an appointment for an interview.

Public Aid will want you to prove all your monthly income and your on-going expenses. It is important to bring along verification of such things as: monthly income, unemployment benefits, social security benefits and child support. They will also ask you to verify the amounts of your rent and your utility and child care bills.

Public Aid will ask whether or not you are living with your husband or partner. Tell them he is not living with you, or that he is not supporting you or your children.

If you have children, Public Aid will ask you whether or not your children are living with you. During the initial screening interview, it is important for you to bring the children's birth certificates and their social security numbers. During the eligibility interview, your second interview, you will need to bring the children's school records.

Processing the application will take some time. By law Public Aid has up to 45 days to decide whether to approve your application for cash and regular medical assistance, and up to 30 days to decide about your application for regular food stamps.

If you have little or no money you may be able to get "expedited" *(fast)* service for food stamps. Tell the caseworker that you are in immediate need of help, and that you are applying for "expedited service" for emergency food stamps. These must be furnished within five days of your application. In addition, if you are found eligible for medical assistance, Public Aid may pay most of your medical bills for

up to the previous three months, depending upon the type of aid for which you qualify.

Even if someone at Public Aid tells you that you are not eligible for immediate assistance, fill out the application forms and turn them in the **same day**, whether or not you know all the answers. The sooner you turn in the forms, the sooner Public Aid will act on them. Do **not** take the forms home to fill them out even if a case worker tells you to.

The Public Aid worker might request your spouse's name and address in order to collect support from him. You do **not** have to give that information if you can provide sufficient evidence to show that doing so would put you or your children in danger. Tell the worker that you would like to apply for a "good cause exception."

Public Aid laws are often complicated and unclear. You may feel confused and frustrated. Be persistent. Get the names of the workers that you talk to. Contact one of the agencies listed on the last two pages of this book if you have questions or feel that you are not getting what you need.

If your application for cash or food stamps is denied and you believe that you are entitled to such benefits, call for an appointment at the legal aid office nearest you (*look in the Yellow Pages under Attorneys, Legal Assistance, or Legal Services.*)

B. SOURCES OF EMERGENCY FOOD

A number of places can give you small supplies of food for your family in an emergency. If Public Aid determines you are not eligible for expedited food stamps, you can get help in locating these resources by calling one of the agencies listed on the last two pages of this book.

C. CHILD SUPPORT PAYMENTS FROM THE CHILDREN'S FATHER

The father of your children has a legal duty to help support them. This is true even if you were not married to him when the children were born.

It is important to talk to a lawyer about child support as soon as possible. But first, if you do not have a job, you should apply for Public Aid as above. This is important because it can take at least a month to get a court order for child support, and the father may disappear or find other ways to escape his duty.

If you want an Order of Protection *(see pages 14-20)* and/or a divorce, your lawyer *(or in some instances the State's Attorney if you are pressing charges)* can request the order for child support. Also be sure to talk to your lawyer about finding temporary child support and maintenance for yourself. *(See FINDING A LAWYER, pages 24-25).*

If you are not married to the children's father, or if you are married but don't want a divorce, contact the Public Aid family support specialist even if you are not getting assistance. Or you may call the State's Attorney's office in your county. Of course, if you can afford a private lawyer you can hire one yourself.

There is a law in Illinois under which the court can order that once child support payments become overdue, they can be directly withheld from the paycheck of the person owing them. The money can then be sent to the parent who has custody. For more information, contact the Public Aid family support specialist or your attorney.

If you were not married to the father when the child was born, you may need to establish paternity before you can get child support. If you are on Public Aid, the family support specialist and child support enforcement division will take care of this. If you are not on Public Aid, call the county State's Attorney's office *(look in the telephone book under the name of your county for the State's Attorney's address and telephone number).*

Also, through an Order of Protection the court can order your abuser to pay your medical and out-of-pocket expenses resulting from the abuse, as well as your legal fees and support for you and your children *(see pages 14-20).*

D. CRIME VICTIM COMPENSATION

If a beating you received caused you to incur medical bills and/or lost wages from your job, the Illinois Crime Victims Compensation program may pay you for losses. *To be eligible for compensation, you must:*

1) File and press criminal charges against the abuser;
2) File a "Notice of Intent" to seek compensation within six months;
3) Live separately from the abuser at the time you file your "Notice of Intent" and at the time the compensation is awarded; and
4) File an application for compensation within one year of the injuries.

For more information and forms, you can call the Illinois Attorney General's Office, Crime Victim Division, 312/793-2585 or 800/228-3368.

E. FINDING A NEW HOME

Finding a new home, especially an inexpensive one, can be difficult. Tell everyone you know you are looking for one. Look in the daily, weekly and neighborhood newspapers.

Here are some questions to ask before renting a new home:

- Does the rent include heat, electricity and gas?
- If not, how much do they average monthly?
- Will those things presently in disrepair be repaired before you move in?
- Is there maintenance on the building?
- How safe is the building?
- Will extra locks be installed for increased safety?
- Do you have to put down a deposit? If so, how much? When and under what conditions will it be refunded?
- Are there any restrictions regarding children or pets?

Do not put down any money toward the security deposit until you sign the lease. The lease is your security that the landlord will abide by its terms.

Before you begin looking for an apartment, be aware that some landlords discriminate on the basis of race, because you are a single mother, or because you have children. They may refuse to rent to you or make excuses about why you cannot have the apartment or house. If you encounter these problems, look for groups that advocate for tenants' rights to help you.

F. JOB REFERRALS, JOB TRAINING AND DAY CARE

The agencies listed on the last pages of this book can give you information about how to find a job. In addition, contact the following agencies for information on job training, referrals and placement:

ILLINOIS JOB SERVICE: Look in the telephone book under "Illinois, State of, Labor, Department of, Job Services Office" for the office nearest you.

JTPA, THE JOB TRAINING PARTNERSHIP ACT, has 29 Service Delivery Areas throughout the state of Illinois. This program authorizes

job training for economically disadvantaged individuals and others who face serious barriers to employment. Call your local unit of government to find the location and phone number of your Service Delivery Area.

DISPLACED HOMEMAKER PROGRAMS: The Illinois Network for Displaced Homemakers provides displaced homemakers throughout the state with a variety of job search skills and counseling services. Although the extent of services may vary from program to program, all assistance is aimed at helping displaced homemakers become successful in the paid work force.

Programs offer the following services:

a) job search skills
b) counseling
c) referral
d) education and training
e) job development and placement.

For more information, call 800/252-4822.

ICADV or a local domestic violence program *(see the last three pages of this book)* can provide information on other employment services that might be offered by YWCAs, Community Action Agencies, Urban Leagues, Career Guidance Centers or other local programs.

THE LEGAL SYSTEM: HOW TO GET HELP

A. INTRODUCTION

It is against the law for anyone to beat or physically hurt another person, no matter how the two people are related. There are a number of legal steps you can take to protect yourself from further abuse, to bring the abuser to justice, to end your relationship with him, to get custody of your children, and to obtain support for yourself and your children. This chapter will briefly explain how to do these things.

There are basically two kinds of courts: criminal court and civil court.

Criminal court deals with people who have committed crimes, such as assault and battery.* The police can arrest anyone who commits a crime, and the State's Attorney in each county prosecutes the case without charge. Although it is not required, in most cases the victim must sign a criminal complaint *("press charges")* and must testify in court about the crime which took place. There must always be sufficient evidence on which to base charges. If the offender pleads guilty or is convicted by the judge, he can be sentenced to supervision, probation, jail, and/or payment of a fine. *(These terms are explained on pages 22-23.)* Jail is very unlikely unless the offender has a previous criminal record or the crime is a very serious one.

Civil court handles non-criminal matters such as divorce and child custody. It can order people to do or not to do certain things, such as to pay child support. If its orders are not obeyed, the judge can hold the violator in "contempt of court" and either fine or jail him.

There is a law, called the Illinois Domestic Violence Act, which is designed to protect and assist domestic violence victims. It creates a legal remedy, called an Order of Protection, which is obtainable in either criminal or civil court. The law also states what law enforcement officers must do to help and protect victims.

The following three sections describe in greater detail the Illinois Domestic Violence Act, how to press criminal charges, and relief available through civil court. Before taking any legal action, it is

*Assault: Placing another in reasonable fear of receiving a battery.
*Battery: Causing another bodily harm, or touching them in an insulting or provoking nature, without legal justification.

important to understand the advantages and disadvantages of each alternative course. Also, it is important to know that the legal process can be a very lengthy, confusing and frustrating one. However, you are entitled to its protection and assistance, and the threat of arrest or being in contempt of court can be a very effective way to prevent the abuser from continuing his violence toward you.

B. ILLINOIS DOMESTIC VIOLENCE ACT

The Illinois Domestic Violence Act *(IDVA)* recognizes domestic violence as a serious crime. It creates a legal remedy for domestic violence victims called an Order of Protection, and requires that law enforcement officers provide specific types of assistance to victims.

1. What is an Order of Protection?

An Order of Protection is a written court order, signed by a judge, which requires an abusive household or family member to do or not to do certain things. The judge can order any or all of the following remedies:

1) Forbid any further abuse, neglect or exploitation.
2) Order the abuser not to enter the shared home for a period of time. This is often called a vacate order or an exclusive possession order.
3) Prohibit the abuser from entering or remaining present at victim's school, place of employment, or other specified place when the victim is present.
4) Require or recommend counseling for the abuser.
5) Award temporary legal custody or determine visitation with a minor child.
6) Prohibit the abuser from removing the child from the state or concealing the child within the state.
7) Order the abuser to appear in court alone, or with the child.
8) Order the abuser to return the child or not to remove the child from the principle caretaker.
9) Grant possession of personal property to the victim.
10) Forbid the abuser from taking, transferring or destroying the victim's property.
11) Order the abuser to pay temporary support to the victim and/or children.
12) Order the abuser to pay the victim for losses suffered as a direct result of the abuse (medical and dental expenses, repair/replacement of damaged property, attorney's fees, court costs, etc.)

13) Order injunctive relief as necessary or appropriate to prevent further abuse.
14) Prohibit the abuser from entering or remaining in the residence or household while the abuser is under the influence of alcohol or drugs.

If the abuser violates remedy 1 or 2 listed above, he has committed the crime of violation of an Order of Protection, a Class A misdemeanor, punishable by up to one year in jail or a fine of up to $1,000. Such severe punishment is unlikely. However, the abuser can be immediately arrested if he repeats the abuse or if he enters the home after he has been ordered not to do so.

If the abuser violates remedies 5, 6 or 8 listed above, he has committed the crime of child abduction, a Class 4 felony which is punishable by 1-3 years imprisonment or a fine of up to $10,000.

If the abuser violates any of the other remedies, he can be found in contempt of court, which can also result in a fine or imprisonment. He will not be arrested (except in unusual circumstances), but he can be ordered before the judge to explain his actions.

2. Who Can Get an Order of Protection?

A petition for an Order of Protection may be filed by a person who has been abused by a family or household member or by any person on behalf of a minor child or adult with disabilities abused by a family or household member. Spouses, ex-spouses, persons living together or who formerly lived together, parents, children, stepchildren, persons who have or allegedly have a child in common, or persons related by blood or marriage, can all get an Order of Protection.

In addition, any person may file an Order of Protection on behalf of a high-risk adult with disabilities who has been abused, neglected or exploited by a family or household member.

In the case of high risk adults with disabilities, "family or household member" includes any person who has the responsibility for a high-risk adult as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a high-risk adult with disabilities by court order, by contract, or voluntarily.

High risk adults with disabilities are particularly vulnerable to crimes of domestic violence because of impairments in their ability to seek or obtain protection. It is a serious problem which takes many forms, including physical abuse, sexual abuse, neglect and exploitation.

1) What is an adult with disabilities?
An "adult with disabilities" means an elder adult with disabilities or a high-risk adult with disabilities. A person may be an adult with disabilities even though he or she has never been adjudicated an incompetent adult. However, no proceeding may continue on behalf of an adult with disabilities over the adult's objection, unless such proceeding is approved by his or her legal guardian.

2) What is an elder adult with disabilities?
An "elder" adult with disabilities means an adult prevented by advanced age from taking appropriate action to protect himself or herself from abuse by a family or household member.

3) What is a high-risk adult with disabilities?
A "high-risk" adult with disabilities means a person aged 18 or over whose physical and/or mental disability impairs his or her ability to seek or obtain protection from abuse, neglect or exploitation.

3. Who Cannot Get an Order of Protection?

Persons in close relationships who are not married, who have never lived in the same household, or who do not share a child, are not covered by this law.

4. What is Abuse?

Abuse means physical abuse, harassment, intimidation of a dependent, interference with personal liberty, or willful deprivation.

5. What is Neglect?

Neglect means omitting or failing to do what a reasonable person would do under the circumstances. It includes failure to provide food, shelter, clothing and personal hygiene to a dependent person who needs such assistance; failure to take care of the needs of the dependent person; and the failure to protect the dependent person from health and safety hazards. However, the law does not create a duty to provide caretaker services; therefore, if a person has never held himself or herself out as caretaker this does not apply.

6. What is Exploitation?

Exploitation means improperly using the financial or other resources

of one person for the profit or benefit of another. It includes taking another's assets or resources by undue influence, deception or fraud.

7. How Can You Get an Order of Protection?

Any person who is abused by a household or family member can ask the court for an Order of Protection, or anyone can ask one for a child, an elderly person, or someone who is unable because of a disability to ask for one themself. The victim or person requesting the Order should have enough evidence of abuse to convince the judge it has taken place. *Evidence includes such things as:*

1) The victim's statements as to the abuse inflicted
2) Hospital or doctor's reports of injuries
3) Dated photographs of injuries
4) Police reports
5) Statements from other family members, neighbors or others who saw or heard the abuse
6) Weapons used
7) Torn or bloody clothing or broken household items
8) Pictures of the house or room in disarray.

The more evidence you have the more likely it is the judge will believe you and grant you the legal remedies you need.

8. Where Can You Get an Order of Protection?

An Order of Protection can be obtained in three ways:

1) In criminal court, if you press criminal charges against the abuser. This means that you want the state to prosecute the abuser for the commission of a crime, such as assault or battery. If the abuser has not been arrested, go to the police department or your county's State's Attorney's office *(or to a warrant officer in Chicago)* to file charges. In most counties the State's Attorney is located in or near the county court building. While there tell the State's Attorney that you also want an Order of Protection. It may be difficult to get any of the child custody or economic support remedies in criminal court *(see pages 20-23 for more information about criminal court).*
2) In civil court in connection with such actions as divorce, separation, child support or parentage actions. If you are filing for divorce, ask your attorney to file for an Order of Protection as well.

3) In civil court as an action by itself. This means that you want the Order of Protection in order to have the legal system help stop the violence against you. However, you do not want to press criminal charges or file for divorce or separation *(see pages 24-25 for more information about civil court and finding a lawyer).*

9. How Long Does an Order of Protection Last?

There are three kinds of Orders of Protection:

1) **Emergency:** An emergency Order may be obtained just on your testimony and court appearance; that is, the abuser is not there to tell his side of the story. Before issuing an emergency Order of Protection, the judge must find that there is good cause to grant it without first notifying the abuser, and the judge must apply different standards before granting individual remedies *(for example, that you would likely be harmed if the abuser knew you were seeking legal protection).* Emergency Orders of Protection can last for not less than 14 nor more than 21 days and can be extended one or more times for an additional 14-21 day period. The judge can award you "physical care" or possession of your child but you cannot obtain legal custody in an emergency Order. However, the Order can contain all the remedies except those ordering the abuser to attend counseling or to pay any money.
2) **Interim:** An interim Order of Protection can be obtained in cases where the abuser has been notified of the court hearing but has not necessarily been personally served with all the legal papers. Interim Orders of Protection are good for up to **30 days**, and can be extended one or more times. Interim Orders can contain all the remedies, although the ones ordering the abuser to attend counseling or to pay money are available only when the abuser has been personally served or has filed a general appearance with the court. In other words, the abuser has received a copy of your written request for the Order and has indicated to the court he knows of the hearing and plans to be there.
3) **Plenary:** A plenary, or full Order of Protection, is available when all the legal requirements of notice, service, etc. for the abuser have been satisfied. All the remedies can be requested. A plenary Order of Protection can **last for up to two years** from the date the judge signs it, and it can be extended by the judge for up to two years longer.

Please note that it is always up to the judge how long any particular Order will last. For example, if the abuser is convicted of a crime and sentenced to six months probation, the judge might issue a plenary order to last for six months only.

10. What To Do After You Have an Order of Protection

If the judge in criminal or civil court grants you an Order of Protection, get several copies made and keep one with you at all times. If the abuser violates it by abusing you again, or by coming onto your property when the Order forbids him to do so, call the police. Show them the Order. If you do not have a copy to show them, they can verify its existence through their police radio. If there is proof of the Order's violation, they should arrest him for a Class A misdemeanor or a Class 4 felony *(for child abduction)*.

If you decide you want to go back with your husband or partner after the court has issued an Order of Protection forbidding his entry into your home, it is important that you go back to the court to modify the Order. Request that this particular remedy *(the vacate order)* be stricken, but that the remedies forbidding his further abuse of you or ordering him to attend counseling remain in effect. If you do not modify the Order and your abuser violates it by being in the house with your permission, the police and the court may be less willing to extend their protection to you again in the future.

11. Law Enforcement Officer's Responsibilities

When police officers or sheriff's deputies respond to a domestic violence call at your home, the Illinois Domestic Violence Act requires that they take all reasonable steps to prevent any further abuse of you, including:

1) Arresting the abuser when the officer has enough evidence to believe that a crime has been committed *(battery, etc.)*. It is not required that you sign a complaint; however, many officers will be unwilling to make an arrest if you are unlikely to testify in court. It is also not necessary for the officers to have seen the actual offense so long as there is sufficient "probable cause" *(visible injuries or other evidence of violence)*. The fact that you are married to or living with the abuser should not affect whether or not he is arrested.
2) Assisting you by providing or arranging transportation for you to a hospital, if necessary, or to a safe place or shelter. The police

are also required to accompany you back to your home after you've left to protect you while you collect some necessary personal belongings *(clothing for you and the children, medicines, legal papers, etc.)*.

3) Advising you of your rights under the law, including how to press charges if they have not arrested the abuser. The police are required to give you a written summary of your legal rights, which is to be printed in both English and Spanish. The officer is to sign the paper and write down his or her badge number, and to give you one referral to a social service agency. *(See page 27 for a sample form.)*

4) Reporting on every legitimate allegation of domestic violence. This means that the officers must fill out a police report every time they respond to a domestic violence call. The report must contain your statement about whether and how often you have been abused by the same person in the past. If possible, it is a good idea to get a copy of the report or the report number *(called an "RD" number in Chicago)*, so that you can use it as evidence if you decide to press criminal charges or file for an Order of Protection.

C. CRIMINAL COURT

1. Domestic Battery

If any family or household member causes bodily harm to you or makes physical contact of an insulting or provoking nature, that is a domestic battery.

The offense of domestic battery is a Class A Misdemeanor which means the abuser faces a fine of up to $1,000 and/or a jail sentence of up to 364 days.

An abuser found guilty of a second or subsequent violation will receive a mandatory minimum 48 consecutive hour jail sentence, which is not subject to suspension or other alteration.

2. Aggravated Battery to a Pregnant Woman

If you are pregnant and an abuser intentionally harms you, the offense becomes a Class 3 Felony punishable by a prison sentence of between 2 and 5 years and/or a fine of up to $10,000.

3. Pressing Charges

If you want to charge the abuser with the commission of a crime, such as battery, either tell the police responding to your call that you want him arrested, or go to your county's State's Attorney's office (in *Chicago, go to a Warrant Office*).* State's Attorney's offices are usually located in or near the county courthouse. Sometimes you have to go to your local police before going to the State's Attorney.

Find out what time domestic violence cases are taken in the Warrant Office or State's Attorney's office. If no specific time is set, be there the first thing in the morning no more than one week after the beating. Tell them what happened, and that you want to sign a complaint to press charges. Take with you as much evidence as possible *(medical records, photographs, etc.).* If you know the number of the police report *("RD" number in Chicago),* tell the warrant officer or Assistant State's Attorney. But you do not have to have it in order to file a complaint. Do not ask for a peace bond. Peace bonds are virtually useless. Do not sign a complaint for disorderly conduct as it is likely to be dismissed.

If you want an emergency, interim or plenary Order of Protection, ask the State's Attorney to prepare a petition for you. Many State's Attorneys will ask for the protection remedies but not the child custody or support remedies.

After you sign the complaint, one of two things should happen:

1) A summons will be sent to the abuser ordering him to come to court, or
2) A warrant will be issued for his arrest. If a summons is sent, be sure to note the date, time and place of the trial. If a warrant is issued, ask for the phone number and location of the police department or station that will be handling it. Call them to find out when they have the warrant on file *(in Cook County, it can sometimes take two weeks)* and to request that they find the abuser and arrest him. You may have to call there several times.

You may have to be persistent and convince the State's Attorney of your willingness to follow through in order to press criminal charges. However, studies have shown that battered women who seek help through the legal system are less likely to be repeat victims, because

***Call the Chicago Police Department for the Warrant Office nearest you.**

abusers who face arrest are not as likely to continue the violence. Remember, however, that it is always the State's Attorney's decision whether to go forward with a case.

4. The Criminal Court Hearing

Criminal court can be a scary and frustrating experience, so try to bring a friend or advocate when you go to court. The State's Attorney, or the Assistant State's Attorney *(ASA)* will prosecute the charges against the abuser. She/he will act as your attorney; you do not need a private lawyer in criminal court.

Arrive early. Bring witnesses, medical reports and pictures of your injuries. If you have not already done so, try to talk to the ASA assigned to your case before the trial begins. If you cannot find the ASA, step up to the bench as soon as you hear your case called *("State [or people] vs. Your Abuser").* Tell the ASA that you are the complaining witness. Ask her or him to have the case "passed" *(that is, postponed for a few minutes)* so that you can discuss it.

When you talk to the ASA, time will be rather short. Be ready to explain the most important facts about the beating:

- Date, time and place of beating.
- Where on your body did he hit you; what did he hit you with? *(Was there a weapon?)*
- Bruises, cuts, redness, soreness, swelling, or other injury which resulted.
- Medical attention you received, if any.
- Police involvement, if any. *(Were they called? Did they come? What did they do?)*
- Threats made to you by the abuser.
- Property damage, if any.
- Past history of beatings, of calls to the police, and of medical attention.

Show the ASA any photos, medical records, torn clothing or other evidence and tell the ASA if you have witnesses.

The case may be continued to a later date at least once *(possibly several times).* Tell the ASA that if the case is continued, you want your Order of Protection, if necessary, to be extended also. Take your evidence with you each time you go to court.

On the day your case is heard, you should be ready to ask the ASA for the remedy you want:

Supervision is similar to probation, but the abuser's record can be "expunged" if he does not violate the terms. This means there will be no record of the charges against him after his term of supervision is up. This can be an incentive for the man who wants to keep his record clean. Ask for **reporting** supervision, so that the abuser will have to report regularly to a court official and perhaps have to attend counseling. Supervision may be appropriate for first offenders, but more serious sentences should be sought for repeat offenders.

Probation is harsher than supervision. The abuser must first be convicted; then he has to report periodically to a probation officer. He can also be ordered to attend counseling.

Jail is very unlikely unless the abuse was severe, or the abuser has other convictions on his record. If you want the abuser to go to jail because that is the only way you will be safe, tell the ASA, preferably the day before you go to court.

Fines are another possible form of sentence.

Also ask for an extension or modification of your Order or Protection when appropriate. When your case is heard, you will be questioned about what took place. Be as specific as you can. Try to remain calm and respectful.

Judges and State's Attorneys should regard your beating as a crime and should treat you seriously. If they do not, you have a right to feel angry and frustrated. But even though you may not be satisfied with the legal results, you have exposed the abuser and his criminal behavior. You have shown him that you know he has no right to abuse you. You have established a record which may be useful in case of future abuse. Finally, as noted above, you may have decreased your chances of being assaulted again just by pursuing legal action.

5. Complaining About and Commending Criminal Justice Officials

If you feel that the police did not comply with the law or treated you inappropriately, you can complain by reporting them to their superiors *(for example, the police chief or sheriff, their captain, etc.)*. You do not always have to have their names or badge numbers but it is very helpful if you do. If you have a complaint, please also call or write the Illinois Coalition Against Domestic Violence *(the address and telephone number are on the last page of this book)*. If you call long distance, the Coalition can call you back.

If a warrant officer or Assistant State's Attorney did not comply with the law or treated you inappropriately, report it to the State's Attorney and please write or call the Coalition as above.

If you have a complaint about a judge's conduct, report it to the Judicial Inquiry Board, 100 West Randolph, Room 14-500, Chicago, IL 60601. Phone 312/814-5554 or 800/227-9429. Again, please contact ICADV as well.

If you were treated especially well by a law enforcement officer, someone in the State's Attorney's office, or by a judge or other court official, it would mean a lot if you sent a letter of thanks for their assistance. Send a carbon copy to their superior and please send a copy to the Illinois Coalition Against Domestic Violence. Such positive feedback will encourage all officials to treat battered women with the dignity and respect they deserve.

D. CIVIL COURT

1. When to Use

Civil courts settle disputes which are non-criminal, and make decisions about legal relationships such as marriage.

If you do not want to press criminal charges against the abuser, but do want and need legal protection, you can ask for an Order of Protection in civil court *(see pages 14-20 for more information)*. If your husband or partner violates either the remedy against further abuse or the one barring him from the home, he can be arrested. If he complies with the Order, however, he will have no criminal record and you will be protected. In addition, it is much easier to get the remedies dealing with child custody and monetary support in civil rather than criminal court. You do not have to file for divorce or separation, or even be married to the abuser, to ask for an Order of Protection.

If you do wish to become legally separated or divorced, you must do so through civil court. You can ask for an Order of Protection at the same time you file for divorce or separation.

The major drawback to using the civil rather than criminal court is that in most cases you will need a private attorney, which can be expensive *(please see the next section about how to find one)*.

It is possible to represent yourself in court without a lawyer, but it can be a very confusing and difficult process. Clerks of the court are now required to provide simplified forms and clerical assistance to

domestic violence victims who do not have attorneys. However, if you are getting divorced, in most cases you should have a lawyer.

2. Finding a Lawyer

If you are receiving Public Aid or have very little money, you may be eligible for free legal assistance. Call one of the agencies listed in the back of this book and ask where you can receive free legal help in your area, or check under Attorneys, Legal Assistance Foundation in the Yellow Pages of the telephone book.

When looking for lawyers, it is a good idea to ask questions about their services before hiring them.

Here are some suggestions:

- How much do you charge for the first meeting; how much do you charge for each additional hour?
- What is your minimum fee for my kind of case?
- What is covered by your fee?
- How many negotiation sessions are included?
- How many court appearances are included?
- What is your rate for appearance in court?
- Do you have a written retainer agreement that I can sign and a copy for me to keep?
- Can you suggest a family counselor, or social worker, or psychologist?
- Will you take my case and ask the court to order the abuser to pay your fees (possible in an Order of Protection)?

After telling the lawyer the facts of your case, ask:

- Do you know about the Illinois Domestic Violence Act?
- How would an Order of Protection help me?
- What should I do to help you with my case?
- What do you expect of me?
- What papers, documents and witnesses should I assemble for you?

If you do not like the first attorney, do not be afraid to shop around. Decide who will represent you before you start the case. People who change lawyers more than once after the start of a lawsuit hurt their chances of being believed by the judge.

There are many lawyers. If you take the time to choose carefully, you should be able to find one you trust and respect. Often domestic

violence programs know of attorneys who are sensitive and knowledgeable about domestic violence and the Illinois Domestic Violence Act, and who will arrange a payment plan for you.

E. COMMON LEGAL QUESTIONS

Q. Do I need my husband's consent to get a divorce?
A. No.

Q. If I leave my husband, will I be charged with desertion?
A. No. The Illinois Domestic Violence Act provides that an Order of Protection cannot be denied because you defended yourself or another family member, or because you fled to avoid further abuse. In fact, leaving him to protect yourself or your children does not even give him grounds for divorce.

Q. Can I take my children with me when I leave?
A. Yes — **unless** a court has given legal custody to him. BUT... if you want to leave the state, be sure to see a lawyer first. Leaving the state may hurt your chances of getting legal custody.

Q. If I had to leave home without the children, will I lose custody?
A. No. The fact that you **had** to flee for your safety does not mean that you do not care about your children. BUT... if you are forced to leave them behind, be sure to see a lawyer immediately. The longer they stay with their father, the harder it will be for you to get them back. Also be sure to stay in contact with them.

Q. I do not want to leave my home. Can I get the abuser thrown out of the apartment or house?
A. Maybe. See pages 14-20 for information on getting a Domestic Violence Order of Protection.

Q. Can I get an Order of Custody for my children even if I am not married to their father?
A. Yes.

Below is a sample of a Victim Rights Sheet which should be available through your local police department.

Illinois Domestic Violence Act: Rights of Victims

Battery is a crime. Any person who hits, chokes, kicks, threatens, harasses or interferes with the personal liberty of another family or household member *(except reasonable parental discipline)* has broken the law.

Victims of domestic violence have the right to:

- be protected from further abuse, neglect and exploitation
- press criminal charges against the abuser. *(NOTE: Jail is* ***not*** *the only outcome if the abuser is found guilty.)*

The court may now issue an **Order of Protection** on the victim's behalf. The Order can:

- protect from further abuse, neglect and exploitation*
- bar the violent party temporarily from the home*
- order the offender to pay support, medical costs and legal expenses
- award child custody and prohibit child snatching
- prohibit destruction of victim's property
- require offender to undergo counseling
- offer other relief as appropriate.

To obtain an **Order of Protection**:

1) ask your attorney to file a petition in civil court; or
2) request an **Order of Protection** in conjunction with divorce proceedings; or
3) request an **Order of Protection** during the course of criminal prosecution.

An Order can be requested on your own behalf and/or on behalf of a child or an incapacitated adult.

Law enforcement officers are to use all reasonable means to prevent further abuse, including:

- arranging for the victim's transportation to a medical facility or safe shelter; and/or accompanying the victim back to the residence to get belongings
- arresting the abuser where appropriate, and completing a police report on all bona fide incidents
- advising the victim of his/her rights and the importance of preserving evidence.

If the abuser has left the scene and has not been arrested, you can still press criminal charges by going to your local State's Attorney's office during normal business hours.

To contact the domestic violence program in your area, see the last two pages of this book. For other help, contact: _____

***Violation of these provisions is a Class A misdemeanor.**

Officer's Name _____ Department _____ Date _____ Badge No. _____

Organizations to Contact

Illinois Coalition Against Domestic Violence
937 South Fourth Street ■ Springfield, IL 62703 ■ 217/789-2830

ALEDO
Mercer County CADV
309/582-7233

ALTON
Oasis Women's Center
618/465-1978

AURORA
Mutual Ground
708/897-0080

BELLEVILLE
Women's Crisis Center of Metro East
618/235-0892
618/398-8540

BLOOMINGTON
Countering Domestic Violence
309/827-7070

CAIRO
Cairo Women's Shelter
618/734-4357
618/524-4357

CANTON
Fulton County Women's Crisis Service
309/647-8311

CARBONDALE
Women's Center
618/529-2324
618/997-2277

CENTRALIA
People Against Violent Environments
618/533-7233
618/242-7233
800/924-8444

CHARLESTON
Coalition Against Domestic Violence
217/345-4300
217/235-4300

CHICAGO
Chicago Abused Women Coalition
312/278-4566
312/278-4114 (TDD)

Family Rescue
312/375-8400

Harriet Tubman Shelter For
Battered Women
312/924-3151

Mujeres Latinas En Accion**
312/226-1544

Neopolitan Lighthouse
312/638-0227

Rainbow House/Arco Iris
312/521-4865
312/521-4866 (TDD)

United Charities of Chicago —
Family Options*
312/436-2400 (day phone)

Uptown Center Hull House —
Woman Abuse Action Project
312/561-3500 (day phone; voice/TDD)

DANVILLE
Danville YWCA Women's Shelter
217/443-5566

DECATUR
Dove Domestic Violence Program
217/423-2238
217/935-6072

DE KALB
Safe Passage
815/756-5228

Organizations to Contact

DES PLAINES
Life Span
708/824-4454
708/824-0189 (TDD, 9-5, M-F)

ELGIN
Community Crisis Center
708/697-2380 (Voice/TDD)

EVANSTON
Evanston Shelter for Battered Women
708/864-8780

FREEPORT
VOICES — Breaking the Silence
815/235-1641
815/777-3680
800/535-1448

GLEN ELLYN
Family Shelter Service
708/469-5650
708/260-7569 (TDD, 9-3, M-F)

HARRISBURG
Anna Bixby Women's Center
618/252-8389
800/421-8456

HAZEL CREST
South Suburban Family Shelter
708/335-3028

JACKSONVILLE
Women's Crisis Center
217/243-4357

JOLIET
Groundwork
815/729-1228
815/722-3344

KANKAKEE
Kankakee County Coalition Against Domestic Violence/Harbor House
815/932-5800

MACOMB
Quad County Coalition Against Domestic Violence
309/837-5555

MOLINE
Family Resources Domestic Violence Advocacy Program
309/797-1777

OAK PARK
Sarah's Inn
708/386-4225
708/386-3305 (TDD, 9-5, M-S)

OLNEY
Stopping Woman Abuse Now, Inc.
618/392-3556

PEORIA
Tri County WomenStrength
309/691-4111

PRINCETON
Freedom House
815/875-8233
309/853-4961

QUINCY
Quanada
217/222-2873
217/285-6119

ROCHELLE
HOPE*
815/562-8890

ROCKFORD
PHASE/WAVE
815/962-6102

SPRINGFIELD
Sojourn Women's Center
217/544-2484
217/732-8988

Organizations to Contact

STERLING
COVE
815/626-7277
815/288-1011
815/772-7959

STREATOR
Against Domestic Violence
815/673-1555
800/892-3375

SUMMIT
Des Plaines Valley Community Center
708/485-5254
708/485-5257

URBANA
A Woman's Place
217/384-4390

WAUKEGAN
A Safe Place/Lake County Crisis Center
708/249-4450

WOODSTOCK
Turning Point
800/892-8900

WORTH
Crisis Center for South Suburbia
708/974-1791
708/974-1099

Unless otherwise indicated, all numbers listed are 24-hour crisis lines.

If you use a TDD and need to call a program that does not have TDD capabilities, your call can be completed, 24 hours a day, by calling the Illinois Relay Center at 1-800-526-0844.

*Indicates ICADV membership. May not meet all ICADV service standards.

**Indicates funding through ICADV, not ICADV member.

Unless indicated as above, is both ICADV member and receives funding through ICADV. Must meet ICADV service standards.

BEST COPY AVAILABLE

Remember:

You are not alone.

You have a right to be safe.

The violence is not your fault.

■ ■ ■

Contact any of the agencies
on the preceding three pages of this book
for more information and assistance.

ILLINOIS COALITION AGAINST
DOMESTIC VIOLENCE
937 South Fourth Street
Springfield, IL 62703
217/789-2830

92M 88
28M 89
85M 90